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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,243	10/16/2001	Peter F. Reile	FSHR042/00US	2235
22903 7590 01/23/2007 COOLEY GODWARD KRONISH LLP ATTN: PATENT GROUP Suite 500 1200 - 19th Street, NW WASHINGTON, DC 20036-2402			EXAMINER NGUYEN, DAT	
			ART UNIT 3714	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/23/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/977,243

Applicant(s)

REILE ET AL.

Examiner

Dat T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19, 21-41 and 43-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-41 and 43-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This office action is in response to the amendments filed on September 22, 2006 in which applicant amends claims 1, 10, 19, 22, 26, 31, 32 and 43, and responds to claim rejections. Claims 1-19, 21-41 and 43-62 are pending.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19, 21-41, 43-46, 48-51 and 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hainey, II (US 2001/0038999) in view of Microsoft Office Shortcut Bar and further in view of Microsoft Paint (copyright 1981-1998 version 4).
3. The discussion regarding Hainey, II, Microsoft Office Shortcut Bar and Microsoft Paint from office action paper no.01242006 is incorporated herein.
4. Hainey, II and Microsoft Office Shortcut Bar is silent regarding enabling the selection of one of a plurality of characteristics associated with said at least another one of the plurality of interactive tools, said plurality of characteristics configured to vary based on the selection of said one of said plurality of activities. Microsoft Paint discloses a drawing program with various tools wherein the selection of certain tools enables a sub menu of characteristics for the selected tool to appear. Each interactive

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tool of Microsoft Paint has a unique set of predetermined characteristics that other tools will not have and therefore are not in association with one another. It would have been obvious to one of ordinary skill in the art at the time of invention to include the secondary tool characteristics of Microsoft Paint with the drawing tool of Hainey, II in combination with Microsoft Office Shortcut Bar in order to provide a secondary set of options and functionality for the user. The user is able to select a plurality of options from the main shortcut bar, but the secondary tool characteristics of Microsoft Paint in view of Hainey, II will allow the user more options .

5. Claims 47, 52-57 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hainey, II in view of Microsoft Office Shortcut Bar and Microsoft Paint as applied to claims 1, 10, 19, 22, 26 and 31-32 above and further in view of Kang et al. (US 5,949,408).

6. Hainey, II in view of Microsoft Office Shortcut Bar and Microsoft Paint discloses the claimed invention as discussed above except for the following:

The toolbar as a printed toolbar as recited in claims 47, 52-57 and 62.

Kang et al. teaches the following:

The toolbar is a printed toolbar, in which the examiner interprets the hard icons in figures 3-4 to be an equivalent to the tool bar is a printed tool bar as recited in claims 47, 52-57 and 62. By having a printed toolbar, one of ordinary skill in the art would provide users with an easy access to tools and applications to complete a given task or project. Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Hainey, II to further include a printed toolbar as

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taught by Kang et al. to provide users with easy access to tools and applications to complete a given task or project.

### ***Response to Arguments***

7. Applicant's arguments filed September 22, 2006 have been fully considered but they are not persuasive.

8. Applicant alleges that neither Hainey nor Microsoft Office discloses the claimed limitations with respect to "at least one of the plurality of interactive tools enabling the selection of one of the plurality of activities" and "at least another of the plurality of interactive tools enabling the selection of one of a plurality of characteristics associated with said at least another one of the plurality of interactive tools, said plurality of characteristics configured to vary based on the selection of said one of said plurality of activities." Examiner agrees, however the new rejection in further view of Microsoft Paint does meet the amended claims. A detailed discussion can be found above in paragraph 4.

9. Regarding claim 19, Applicant alleges the prior art fails to disclose determining the availability of a drawing activity and if the activity is available, displaying a set of drawing characteristics unique to the selected one of a plurality of activities. The examiner has relied on Microsoft Paint for such a teaching. In Microsoft Paint, drawing activities which are unavailable are grayed out and unable to be selected by the user, further more if a drawing activity is available, then a secondary set of drawing characteristics unique to said activity is displayed.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is 5712722178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen



**SCOTT JONES**  
PRIMARY EXAMINER